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DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



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IM-24

TO: Underground Storage Tank Owners/Operators, Qualified Underground Storage Tank Consultants, and Interested Parties

FROM: Roger Przybysz, Chief, Storage Tank Division

SUBJECT: Field Operations Procedure No. 31, Return of Incomplete Reports, and Operational Memorandum No. 12, Institutional Controls and Public Notice Requirements and Procedures

This informational memo is provided to inform interested parties of the implementation of Field Operations Procedure No. 31 (FO-31) that directly affects the submittal of reports required by Part 213, Leaking Underground Storage Tanks (LUST), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. This memo also provides notice of a change to Section II.A of Operational Memorandum 12 (OM-12).

FO-31 RETURNS OF INCOMPLETE REPORTS

Part 213 requires the submittal of several different reports during the course of corrective actions at LUST sites. The reports that may be required from the owner/operator (O/O) of a LUST site include the Initial Assessment Report, Final Assessment Report, Corrective Action Plan, and the Closure Report. The Department of Environmental Quality, Storage Tank Division (STD), under the authority of Part 213, developed specific report forms for each report; and the STD has had the authority to return an incomplete report to the O/O. A properly completed report form will include within it all of the information that is required by the statute for the specific report. A significant number of the reports that are submitted to the STD do not meet the reporting requirements of Part 213. As a result, substantial amount of staff time is required to conduct a full audit and prepare the often comprehensive deficiency responses. However, it is the responsibility of the Qualified Underground Storage Tank Consultant (QC) to ensure that each report is complete pursuant to the requirements of Part 213. Although the STD field staff have received extensive training in conducting report audits, the new procedure ensures that the STD field staff review the reports in a consistent manner.

Under the new procedure, STD staff may conduct an initial limited screening of the table of contents and specific sections of a submitted report to determine if the report contains sufficient information to meet the minimum requirements of Part 213. The initial screening is not intended to serve as a full audit of all information contained in the report, only to determine if the required information is within the report. An incomplete report will be returned to the O/O with a letter informing the O/O of the reasons why the report was not accepted. The appropriate option letters will also be sent to the QC and Certified Underground Storage Tank Professional that prepared and signed the incomplete report.

The STD expects that this procedure will improve the quality of reports submitted by QCs since O/Os will recognize that it is more time and cost-effective to prepare and submit statutorily complete reports. Subsequently, QCs may benefit from a more fair market in which to compete to provide their services to O/Os.

SECTION II.A. OF OM-12

Section 21309a(3) of Part 213 requires that a copy of each notice to an impacted party and the proof of providing the notice to the impacted party be submitted to the STD. The former language in Section II.A. of OM-12 did not require that this information be submitted to the STD unless it was requested. The STD amended the language of this section of OM-12 to conform to the statutory requirements of Part 213. The amended language requires that the notice and proof of notice to impacted parties be submitted to the STD. The amended language also provides the O/O and the QC with directions for submitting the notices and proofs of notice to the STD.

SUMMARY

The STD believes that by implementing FO-31, and by continuing to inform O/Os and QCs of changes in guidance documents, that the number of incomplete reports submitted in the future will decrease. The resulting decrease in the number of remobilizations to perform corrective actions and resubmit reports should result in a reduction in the time between the date of a confirmed release and the date of closure of a LUST site.

If you have questions about either FO-31 or the changes to OM-12, please contact the STD District Office that serves your facility.

cc: STD Supervisors